

**REMARKS/ARGUMENTS**

Claims 1-3 are currently pending. Upon entry of the present amendment, claims 1 and 3 will be pending, claims 1 and 3 having been amended and claim 2 canceled.

**Double Patenting**

Claims 1 and 3 stands provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of co-pending Application No. 10/022,434. Merely to obviate this provisional obviousness-type double patenting rejection, Applicants submit herewith a terminal disclaimer over co-pending Application No. 10/022,434.

**Rejections under 35 U.S.C. §112, 1<sup>st</sup> Paragraph**

Claims 1 and 3 have been rejected under 35 U.S.C. 112, 1<sup>st</sup> paragraph, because the limitation “increased sugar content” is alleged to not have support in the specification.

Claim 1 has been amended to replace “increased” with the % range of the sugar content. The amendment finds support in the specification, paragraph 24. It is respectfully submitted that the rejection is overcome. Therefore, withdrawal of the rejection is respectfully requested.

**Rejections under 35 U.S.C. §112, 2<sup>nd</sup> Paragraph**

Claims 1 and 3 have been rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, as being indefinite.

Claim 1 has been amended to replace “increased” with the % range of the sugar content; and to recite the % range of the claimed oils. Support for the % range of sugar content is indicated above. Support for the % range of oils can be found in the specification, paragraph 24. It is respectfully submitted that the rejections are overcome. Accordingly, withdrawal of these rejections is respectfully requested.

**CONCLUSION**

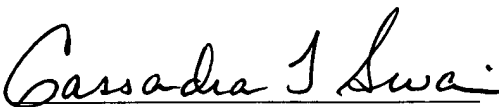
This response places the application in condition for allowance or in better form for appeal. Accordingly, Applicants respectfully request that this response be entered.

The Examiner is invited to contact Applicants' representative, at the number below, to discuss any matter that would expedite allowance.

The Commissioner is, however, authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for any fees deemed necessary, or to credit any overpayment.

Respectfully submitted,

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